

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Signature

PAGE 2/23 * RCVD AT 1/21/2005 11:36:08 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-2/1 * DNIS:7467465 * CSID:512 853 8801 * DURATION (mm:ss):11:06

Application Serial No. 09/336,920 - Filed June 21, 1999

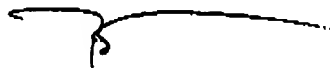
patents are commonly owned. This agreement runs with any patent granted on the captioned patent application and is binding upon the grantee of such patent, and its or his successors or assigns.

4. In making the above disclaimer, Sun Microsystems, Inc. and OpenTV, Inc. do not disclaim the terminal part of any patent granted on the captioned patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of U.S. Patent No. 5,903,816, as presently shortened by any terminal disclaimers, in the event that any of such prior patents later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

5. The undersigned is an attorney of record.

A Fee Authorization form is enclosed to cover the fee for this disclaimer; however, the Commissioner is authorized to charge any additional fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505\5180-01106\BNK.

Respectfully submitted,



B. Noël Kivlin
Attorney for Applicants
Reg. No. 33,929

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
(512) 853-8840

Date: 1-21-05